

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA)

Plaintiff,)

and)

STATE OF NEW YORK, ET AL.,)

Plaintiff-Intervenors,)

v.)

JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Terence P. Kemp

AMERICAN ELECTRIC POWER SERVICE)

CORP., ET AL.,)

Defendants.)

Civil Action No C2-99-1250
(Consolidated with C2-99-1182)

UNITED STATES OF AMERICA)

Plaintiff,)

v.)

JUDGE GREGORY L. FROST
Magistrate Judge Norah McCann King

AMERICAN ELECTRIC POWER SERVICE)

CORP., ET AL.,)

Defendants.)

Civil Action No C2-05-360

OHIO CITIZEN ACTION, ET AL.,

Plaintiffs,

v.

AMERICAN ELECTRIC POWER SERVICE
CORP., ET AL.,

Defendants.

JUDGE GREGORY L. FROST
Magistrate Judge Norah McCann King

Civil Action No. C2-04-1098

CONSENT DECREE

except to the extent that such activities would cause a significant increase in the emission of a criteria pollutant other than SO₂, NO_x, or PM.

142. Retention of Authority Regarding NAAQS Exceedences. Nothing in this Consent Decree shall be construed to affect the authority of the United States or any state under applicable federal statutes or regulations and applicable state statutes or regulations to impose appropriate requirements or sanctions on any Unit in the AEP Eastern System, including, but not limited to, the Units at the Clinch River plant, if the United States or a state determines that emissions from any Unit in the AEP Eastern System result in violation of, or interfere with the attainment and maintenance of, any ambient air quality standard.

XI. PERIODIC REPORTING

143. Beginning on March 31, 2008, and continuing annually thereafter on March 31 until termination of this Consent Decree, and in addition to any other express reporting requirement in this Consent Decree, Defendants shall submit to the United States, the States, and the Citizen Plaintiffs a progress report in compliance with Appendix B of this Consent Decree.

144. In any periodic progress report submitted pursuant to this Section, Defendants may incorporate by reference information previously submitted under their Title V permitting requirements, provided that Defendants attach the Title V permit report, or the relevant portion thereof, and provide a specific reference to the provisions of the Title V permit report that are responsive to the information required in the periodic progress report.

145. In addition to the progress reports required pursuant to this Section, Defendants shall provide a written report to the United States, the States, and the Citizen Plaintiffs of any violation of the requirements of this Consent Decree within fifteen (15) days of when Defendants knew or should have known of any such violation. In this report, Defendants shall explain the

cause or causes of the violation and all measures taken or to be taken by Defendants to prevent such violations in the future.

146. Each report shall be signed by Defendants' Vice President of Environmental Services or his or her equivalent or designee of at least the rank of Vice President, and shall contain the following certification:

This information was prepared either by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my evaluation, or the direction and my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, I hereby certify under penalty of law that, to the best of my knowledge and belief, this information is true, accurate, and complete. I understand that there are significant penalties for submitting false, inaccurate, or incomplete information to the United States.

147. If any SO₂ or NO_x Allowances are surrendered to any third party pursuant to this Consent Decree, the third party's certification pursuant to Paragraphs 83 and 95 shall be signed by a managing officer of the third party and shall contain the following language:

I certify under penalty of law that, _____ [name of third party] will not sell, trade, or otherwise exchange any of the allowances and will not use any of the allowances to meet any obligation imposed by any environmental law. I understand that there are significant penalties for submitting false, inaccurate, or incomplete information to the United States.